

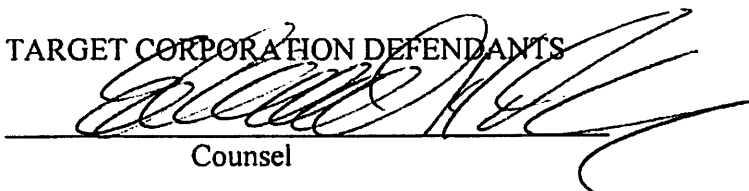


2. Count II (Negligence Per Se) fails to state a claim upon which relief can be granted because it fails to state the specific code provisions which form the alleged basis of Plaintiff's claim and which the Target Corporation Defendants allegedly violated. Count II also fails to state a claim upon which relief can be granted because it fails to allege how the Target Corporation Defendants violated each such code provision.

3. Count III (Breach Of Contract-Third Party Beneficiary) fails to state a claim upon which relief can be granted because it fails to allege: the entity with whom each Target Corporation Defendant allegedly contracted; the existence of any contractual provisions which impose the duties alleged by Plaintiff; any facts which support the allegation that Plaintiff was "clearly and definitely intended to benefit" from the alleged contract; allege any facts which would suggest that any such contract has any application to the facts surrounding Plaintiff's alleged slip and fall; and attach a copy of the contract which the Target Corporation Defendants allegedly breached.

WHEREFORE, the Target Corporation Defendants respectfully request that the Court sustain their Demurrer, that the Plaintiff's Complaint be dismissed and that they be awarded their costs of defense, including reasonable attorneys' fees.

TARGET CORPORATION DEFENDANTS

  
Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of July, 2015, a true and accurate copy of the foregoing was sent via U.S. Mail to:

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